

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

AMAR SAFADI,

Plaintiff,

v.

CITY OF LYNNWOOD,

Defendant.

Case No. C23-886-RSM

ORDER DISMISSING AMENDED  
COMPLAINT

Plaintiff Amar Safadi filed this 42 U.S.C. § 1983 action *pro se* and *in forma pauperis* (“IFP”) against the City of Lynnwood, alleging that the Lynnwood Police Department wrongfully arrested and charged him for driving while license suspended 3rd degree and failing to stop/give info obey officer. Dkt. #5. Summons have not yet been issued.

On July 12, 2023, the Court reviewed the Complaint pursuant to 28 U.S.C. § 1915(e), and reviewed Plaintiff’s Objection (Dkt. #7), and found that Plaintiff’s Complaint must be dismissed for failure to state claim on which relief can be granted. Dkt. #14. The Court ordered Plaintiff to file an amended complaint on or before August 4, 2023, and if Plaintiff either failed to file an amended complaint or failed to adequately address the issues raised in the Court’s Dismissal Order the Court would dismiss the case. *Id.* On July 20, 2023, Plaintiff filed a timely Amended Complaint, however Plaintiff’s Amended Complaint still fails to state a claim on which relief can

1 be granted against Defendant City of Lynnwood for the reasons stated below. Dkt. #15. The  
2 Court therefore DISMISSES Plaintiff's case.

3 As stated previously, once a complaint is filed *in forma pauperis*, the Court must dismiss  
4 it prior to service if it is "frivolous or malicious," "fails to state a claim on which relief can be  
5 granted," or "seeks monetary relief against a defendant who is immune from such relief." 28  
6 U.S.C. § 1915(e)(2); *see also Franklin v. Murphy*, 745 F.2d 1221, 1226-27 (9th Cir. 1984);  
7 *Yacoub v. U.S.*, 2007 WL 2745386 (W.D. Wash. 2007). This provision mandating dismissal  
8 applies to all *in forma pauperis* actions, whether or not the plaintiff is incarcerated. *See Lopez v.*  
9 *Smith*, 203 F.3d 1122, 1229 (9th Cir. 2000) (en banc).

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11 The Court dismissed Plaintiff's original Complaint because he only named the City of  
12 Lynnwood as a Defendant but failed to state how the municipality could be liable under 42 U.S.C.  
13 § 1983. Again, a municipality may be the subject of a § 1983 claim. *Monell v. New York City*  
14 *Dept. of Social Services*, 436 U.S. 658, 690 (1978). However, a municipality may only be held  
15 liable if its policies are the "moving force [behind] the constitutional violation." *City of Canton*  
16 *v. Harris*, 489 U.S. 378, 389 (1989) (quoting *Monell*, 436 U.S. at 694). To recover, Plaintiff  
17 must show that Defendant's employees or agents acted through an official custom or policy that  
18 permits violation of Plaintiff's civil rights, or that the entity ratified the unlawful conduct. *See*  
19 *Monell*, 436 U.S. at 690-91.

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21 In Plaintiff's 15-page Amended Complaint, the first eight pages are identical to Plaintiff's  
22 original Complaint. *Compare* Dkt. #15, *with* Dkt. #5. Plaintiff continues to only bring "this civil  
23 rights action on behalf of himself against the Lynnwood Policy Department." Dkt. #15 at 1.  
24 Plaintiff has added additional claims and supporting facts in Section IV, however, those  
25 additional claims and facts are not directed at the only named Defendant—the City of Lynnwood.  
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1 *See Id.* at 8–10. Plaintiff only includes more allegations against purported Lynnwood police  
2 officers. Plaintiff still does not allege that said officers deprived him of his civil rights through  
3 an official custom or policy. As explained in the Court’s prior order, a municipality will not be  
4 liable for acts of negligence by its employees for an unconstitutional act by a non-policy-making  
5 employee. *Davis v. City of Ellensburg*, 869 F.2d 1230, 1234-35 (9th Cir. 1989). Evidence of  
6 mistakes by adequately trained personnel or the occurrence of a single incident of  
7 unconstitutional action by a non-policy-making employee is not sufficient to show the existence  
8 of an unconstitutional custom or policy. *Thompson v. City of Los Angeles*, 885 F.2d 1439, 1444  
9 (9th Cir. 1989). Plaintiff does not explain how the alleged unlawful actions were in compliance  
10 with a custom or policy of the City, nor whether the City ratified the alleged unlawful conduct.  
11 Because he does not explain how the City’s policies were the moving force behind the alleged  
12 constitutional violations, he has not stated a claim for which this Court can offer a remedy. *See*  
13 *Monell*, 436 U.S. at 690-91, 94.

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16 Having reviewed the relevant briefing and the remainder of the record, the Court hereby  
17 finds and ORDERS that Plaintiff’s claims are DISMISSED and this case is CLOSED.  
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20 DATED this 9<sup>th</sup> day of August, 2023.

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23 RICARDO S. MARTINEZ  
24 UNITED STATES DISTRICT JUDGE  
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